

00-0-0664

(Do Not Write Above This Line)  
An Ordinance for the City Utilities  
By Councilmember Don Miller  
An Ordinance amending ordinance 00-0-0314 concerning the acquisition of necessary rights-of-way and other property interests for the completion of the Campbellton Road Widening project, Phases II, III & IV to authorize the Mayor, his designee and/or the Purchasing Agent to negotiate with affected property owners and to use all means necessary to acquire necessary property interests up to and including condemnation proceedings; to authorize the City Attorney, or her designee, to institute condemnation proceedings pursuant to the declaration of taking method authorized by O.C.G.A. Section 32-3-4; to acquire title to rights-of-way easements and other related property interests necessary authority for the expeditious acquisition of necessary property interests for the Campbellton Road Widening project, Phases II, III & IV to authorize the City Attorney to use the services of outside counsel, where necessary

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred	5/1/00
Referred To:	City Utilities
Date Referred	
Referred To:	
Date Referred	
Referred To:	

ADOPTED BY  
MAY 15 2000  
COUNCIL

First Reading

Committee	
Date	
Chair	
Referred to	

Committee	City Utilities
Date	5-9-2000
Chair	Don Miller
Action:	
Fav, Adv, Hold (see rev. side)	
Other:	
Members	Don Miller, John Starns
Refer To	

Committee	
Date	
Chair	
Action:	
Fav, Adv, Hold (see rev. side)	
Other:	
Members	
Refer To	

ADOPTED BY  
MAY 15 2000  
COUNCIL

FINAL COUNCIL ACTION  
☒ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☒ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

CERTIFIED  
MAY 15 2000  
Don M. Starns  
COUNCIL PRESIDENT PROTEM

CERTIFIED  
MAY 15 2000  
Ruth Douglas Johnson  
MUNICIPAL CLERK

APPROVED

MAY 23 2000  
[Signature]



CITY COUNCIL  
ATLANTA, GEORGIA

AN ORDINANCE  
BY COUNCILMEMBER

*Jim M. Hays*

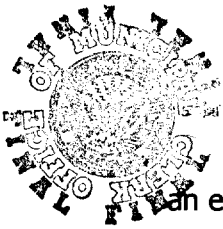
00-0-0664

AN ORDINANCE TO AMEND ORDINANCE 00-O-0314 CONCERNING THE ACQUISITION OF NECESSARY RIGHTS-OF-WAY AND OTHER PROPERTY INTERESTS FOR THE COMPLETION OF THE CAMPBELLTON ROAD WIDENING PROJECT, PHASES II, III & IV TO AUTHORIZE THE MAYOR, OR HIS DESIGNEE TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS UP TO AND INCLUDING CONDEMNATION PROCEEDINGS; TO AUTHORIZE THE CITY ATTORNEY, OR HER DESIGNEE, TO INSTITUTE CONDEMNATION PROCEEDINGS PURSUANT TO THE DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A SECTION 32-3-4; TO ACQUIRE TITLE TO RIGHTS-OF-WAY, EASEMENTS AND OTHER RELATED PROPERTY INTERESTS NECESSARY TO COMPLETE THE PROJECT; TO PROVIDE THE NECESSARY AUTHORITY FOR THE EXPEDITIOUS ACQUISITION OF NECESSARY PROPERTY INTERESTS FOR THE CAMPBELLTON ROAD WIDENING PROJECT, PHASES II, III & IV TO AUTHORIZE THE CITY ATTORNEY TO USE THE SERVICES OF OUTSIDE COUNSEL, WHERE NECESSARY, TO HANDLE CONDEMNATION CASES FOR THE PROJECT; TO WAIVE PROVISIONS OF CITY CODE SECTIONS 2-1541, 2-1542, 2-1545 FOR THE PROJECT PERTAINING TO REAL ESTATE ACQUISITIONS AND FURTHER AUTHORIZATION OF COUNCIL FOR CONDEMNATION PROCEEDINGS; AND FOR OTHER PURPOSES.

WHEREAS, an ordinance adopted by the Atlanta City Council on March 20, 2000 authorized the Mayor, in cooperation with the City's Consultants, Smith Real Estate Services, to acquire rights-of-way for the Campbellton Road Widening Project, Phases II, III & IV (the "Project"); and

WHEREAS, state law requires a finding by a municipality that circumstances necessitate the use of declarations of taking before such method of condemnation can be used by a municipality; and

WHEREAS, use of declaration of taking as a method of condemnation would expedite the acquisition of title and possession of property interests necessary for the timely completion of the Project which involves road purposes and transportation purposes; and



WHEREAS, the acquisition of the necessary property interests for the Project on an expedited basis has been deemed vital; and

WHEREAS, in order to acquire the necessary property interests, to complete the proposed Project in a timely fashion, and to expedite the condemnation process, it is also necessary to waive certain provisions of the City Code for this Project in Sections 2-1541, 2-1542 and 2-1545 regarding acquisitions, condemnations and further authorization from Council.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA,** as follows:

Section 1: That the Mayor, or his designee, or the Purchasing Agent, are hereby authorized to negotiate with the affected property owners, in cooperation with the City's consultant, Smith Real Estate Services and its subconsultants (the "Consultants"), to acquire the necessary rights-of-way and temporary or permanent construction easements and other related property interests necessary to complete the replacement of the Campbellton Road Widening Project, Phases II, III & IV (the "Project").

Section 2: That the requirements of City Code Section 2-1541, 2-1542 and 2-1545 of the Procurement and Real Estate Code, are waived for this Project only; and that the Purchasing Agent is hereby authorized to make purchases of property in connection with the Project on behalf of the City without further authorization of City Council.

Section 3: That the Purchasing Agent is hereby authorized to obtain appraisals and to establish estimates of just compensation based thereon to be offered to property owners in connection with the Project to provide reasonable compensation.

Section 4: That if negotiations with affected property owners are successful, the Mayor, his designee, or the Purchasing Agent, in cooperation with the Consultants, are authorized to accept and execute options with such owners at the agreed price on behalf of the City for the purchase of rights-of-way, easements and other property interests in connection with the Project without further authorization from City Council.

Section 5: That the City's Consultants are authorized to settle those acquisitions of property at an amount not to exceed ten percent (10%) above the estimated just compensation. The Consultants are authorized to offer an amount not to exceed \$250.00 more than the estimated just compensation in cases where the estimated just compensation is less than \$2,500. That the Purchasing Agent is authorized to administratively settle, without further authorization of City Council, those acquisitions which exceed those limitations which the City's Consultants cannot otherwise acquire. However, in no event shall the Purchasing Agent's



authority to administratively negotiate or settle such acquisitions without Council authorization exceed (a) 20% above the estimated just compensation of affected properties; or (b) \$500.00 in those cases where the estimated just compensation is less than \$2,500, or whichever is greater.

Section 6: That the City Attorney, or her designee, is authorized to monitor and supervise the closing transactions with affected property owners in connection with the infrastructure improvement projects, with the assistance of the Consultant and its subconsultants.

Section 7: That if the affected property owners reject the options, and negotiations fail with such owners, the Mayor or his designee, with the assistance of the City Attorney, or her designee, is authorized to use all means necessary and within their power, up to and including condemnation, to acquire the necessary rights-of-way, easements and other related property interests, without further authorization from City Council. The provisions of Section 2-1542 requiring further authorization for condemnations are hereby waived for this Project.

Section 8: That a finding is hereby made that circumstances are such that it is necessary to proceed with the declarations of taking as a method of condemnation, as authorized by O.C.G.A. Section 32-3-4, for the construction and completion of the Project which involves public road purposes or public transportation purposes; that the City Attorney, or her designee, in cooperation with the Consultant and its subconsultants, is authorized to institute condemnation proceedings pursuant to this declaration of taking method authorized by O.C.G.A. Section 32-3-4, to acquire title to rights-of-way, easements, and other related property interest necessary for the construction of the Project which involves public road purposes or public transportation purposes.

Section 9: That the City Attorney is authorized to engage the services of outside counsel, where necessary, to handle condemnations arising out of the Project, without further authorization from City Council.

Section 10: That given the narrow window of opportunity to accomplish the necessary acquisitions and construction, the Mayor, his designee, and all appropriate City departments shall incorporate flexibility, and to act expeditiously in accomplishing the necessary activities, up to and including contracting with outside firms and organizations, to assist in achieving the overall goals and objectives of the Project.

Section 11: That costs associated with this ordinance shall be charged to and paid from the appropriate Fund, Account and Center number.

Section 12: That all other parts of Ordinance Number 00-O-0314 shall remain unchanged except to the extent specified in this Amendment.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

May 15, 2000  
May 23, 2000

# COUNCIL PRESIDENT PROTEM DEBI STARNES PRESIDED

RCS# 1952  
5/15/00  
4:01 PM

Atlanta City Council

Regular Session

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CONSENT AGENDA PAGES (1 - 11)

ADOPT

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 0

NV McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	NV Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-O-0654  
00-O-0396  
00-R-0329

COUNCIL PRESIDENT PITTS  
ABSTAINED ON 00-O-0523

COUNCILMEMBER MARTIN  
ABSTAINED ON 00-R-0660

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05/15/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
<ol style="list-style-type: none"> <li>1. 00-O-0204</li> <li>2. 00-O-0523</li> <li>3. 00-O-0649</li> <li>4. 00-O-0650</li> <li>5. 00-O-0255</li> <li>6. 00-O-0397</li> <li>7. 00-O-0398</li> <li>8. 00-O-0568</li> <li>9. 00-O-0050</li> <li>10. 00-O-0530</li> <li>11. 00-O-0531</li> <li>12. 00-O-0656</li> <li>13. 00-O-0378</li> <li>14. 00-O-0651</li> <li>15. 00-O-0652</li> <li>16. 00-O-0657</li> <li>17. 00-O-0664</li> <li>18. 00-O-0665</li> <li>19. 00-R-0623</li> <li>20. 00-R-0633</li> <li>21. 00-R-0678</li> <li>22. 00-R-0399</li> <li>23. 00-R-0400</li> <li>24. 00-R-0587</li> <li>25. 00-R-0624</li> <li>26. 00-R-0660</li> <li>27. 00-R-0591</li> <li>28. 00-R-0692</li> <li>29. 00-R-0597</li> <li>30. 00-R-0621</li> <li>31. 00-R-0622</li> <li>32. 00-R-0629</li> <li>33. 00-R-0630</li> </ol>	<ol style="list-style-type: none"> <li>34. 00-R-0598</li> <li>35. 00-R-0599</li> <li>36. 00-R-0600</li> <li>37. 00-R-0601</li> <li>38. 00-R-0602</li> <li>39. 00-R-0603</li> <li>40. 00-R-0604</li> <li>41. 00-R-0605</li> <li>42. 00-R-0606</li> <li>43. 00-R-0607</li> <li>44. 00-R-0608</li> <li>45. 00-R-0609</li> <li>46. 00-R-0610</li> <li>47. 00-R-0611</li> <li>48. 00-R-0612</li> <li>49. 00-R-0613</li> <li>50. 00-R-0614</li> <li>51. 00-R-0615</li> <li>52. 00-R-0616</li> <li>53. 00-R-0617</li> <li>54. 00-R-0618</li> <li>55. 00-R-0619</li> <li>56. 00-R-0620</li> <li>57. 00-R-0627</li> <li>58. 00-R-0628</li> <li>59. 00-R-0631</li> <li>60. 00-R-0632</li> </ol>